

Before the State of South Carolina  
Department of Insurance

In the matter of:	)	
	)	
John A. Bunton	)	Default Order Revoking
	)	Resident Insurance Agent's License
Route 3, Box 18-A	)	
Ridgeland, South Carolina 29936.	)	
_____	)	File Number 1999277-078-003

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 1999), by the State of South Carolina Department of Insurance upon John A. Bunton, a licensed South Carolina resident insurance agent, by both certified mail, return receipt requested, and by regular mail on December 30, 1999.

By that letter, Bunton was informed of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. Further, he was warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, as of January 24, 2000, Bunton had neither timely answered nor requested a public hearing. On that day, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for American General Life and Accident Insurance Company, Bunton received a cash surrender check for a consumer but never forwarded that money to the consumer.

S.C. Code Ann. § 38-43-130 (Supp. 1999) provides: "[t]he Director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has willfully deceived or dealt unjustly with the citizens of this State." Misappropriation, conversion, or unlawful withholding of monies belonging to insurers or others and received in the conduct of business under the license clearly constitutes "deceiving or dealing unjustly with the citizens of this state."

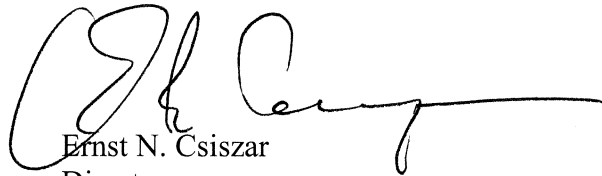
In accordance with my findings of fact, and considering Bunton's complete refusal to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Bunton willfully deceived and dealt unjustly with the citizens of South Carolina, thereby violating S.C. Code Ann. § 38-43-130 (Supp. 1999) and that his resident insurance agent's license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1999). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore ordered that John A. Bunton's license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which John A. Bunton is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

  
Ernst N. Csiszar  
Director

January 26, 2000, at  
Columbia, South Carolina

Before the State of South Carolina  
Department of Insurance

In the matter of: )

John A. Bunton )

Route 3, Box 18-A )  
Ridgeland, South Carolina 29936. )  
\_\_\_\_\_ )

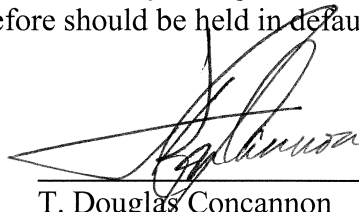
File Number 1999277-078-003

Affidavit of Default

T. Douglas Concannon personally appeared before me, and, being duly sworn, stated that he, at all times relevant to this Affidavit of Default, was the attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

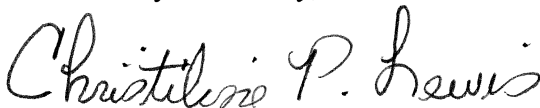
John A. Bunton was served notice at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department of Insurance would request that his license to act as a resident insurance agent within the State of South Carolina be summarily revoked by the Director of Insurance for the State of South Carolina. That notice was served, pursuant to Section 38-3-170 of the South Carolina Code by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." Further, by that letter, Bunton was also served notice of his opportunity, within ten days, to request a public hearing. That service was effected by certified mail, return receipt requested, and by regular mail on or about December 30, 1999.

The United States Post Office returned the certified letter to the Department, having marked it as "Unclaimed." See Attachment One. The letter sent via regular mail was not returned. Bunton has neither timely answered nor requested a public hearing. Bunton is required as a licensed insurance agent to notify the Department of any change of address within 30 days. See S.C. Code Ann. § 38-43-107 (1989). He therefore should be held in default.



T. Douglas Concannon  
Associate General Counsel

Sworn to and subscribed before me  
this 24<sup>th</sup> day of January, 2000.



Christiline Lewis, Notary Public  
My Commission Expires: 11/20/06